



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, JUNE 10, 2002 – 7:30 P.M.

(TUCSON CONVENTION CENTER, GRAHAM/GREENLEE ROOMS,  
260 S. CHURCH, TUCSON, ARIZONA)

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend Steve Shermett of Congregation Beth Sar Shalom

PLEDGE OF ALLEGIANCE – Recited by the Casas Adobes American Legion Auxiliary Poppy Princess

**3. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

(a) Report from City Manager JUNE10-02-323 CITY-WIDE

**4. CALL TO THE AUDIENCE:**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**5. CONSENT AGENDA - ITEMS A THROUGH M**

FOR COMPLETE DESCRIPTION OF ITEMS  
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

## 6. LIQUOR LICENSE APPLICATIONS

- (a) Report from City Manager JUNE10-02-320
- (b) LIQUOR LICENSE APPLICATION(S)

### New License(s)

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| <p>(1) MONTGOMERY'S IRISH PUB<br/>9155 E. Tanque Verde Road, #177<br/>Applicant: Ralston R. Hannas Jr.<br/>City #038-02, located in Ward 2<br/>Series #12<br/>Action must be taken by: June 25, 2002</p> | <p><u>Staff Recommendation</u><br/><br/>Police: In Compliance<br/>Planning: In Compliance<br/>Business License: In Compliance</p> |
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NOTE: State law provides that a new license, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

### Person/Location Transfer(s)

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| <p>(2) 7 BLACK CATS<br/>260 E. Congress Street<br/>Applicant: Jennifer R. Thompson<br/>City #039-02, located in Ward 6<br/>Series #6<br/>Action must be taken by: June 29, 2002</p> | <p><u>Staff Recommendation</u><br/><br/>Police: In Compliance<br/>Planning: In Compliance<br/>Business License: In Compliance</p> |
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NOTE: For a person and location transfer, the State Liquor Board will not hold a hearing to consider a protest of location or permit testimony against the location at a hearing scheduled to evaluate the personal qualifications of the applicant.

## 7. MEMORANDUM OF UNDERSTANDING: RELATING TO A MANAGED IN-CHANNEL RECHARGE PROJECT ALONG THE SANTA CRUZ RIVER

- (a) Report from City Manager JUNE10-02-330 CITY-WIDE & OUTSIDE CITY
- (b) Resolution No. 19231 relating to a memorandum of understanding between the City of Tucson and the other local parties to negotiate a binding intergovernmental agreement for the operation of a Managed Recharge Facility along the Santa Cruz River; and declaring an emergency.

**8. ZONING: (C9-02-07) PEPPER-VINER – DOS HOMBRES ROAD, SR TO R-1**

- (a) Report from City Manager JUNE10-02-331 WII
- (b) Zoning Examiner's Report dated May 24, 2002
- (c) Request to rezone approximately 2.6 acres from SR (Very Low Density Residential) to R-1 (Low Density Residential). Applicant: Pepper-Viner Investment Company, the property owners.

The rezoning site is located on the west side of Dos Hombres Road, approximately 200 feet north of Tanque Verde Road. The preliminary development plan proposes twelve, one- and two-story single-family residences on 2.6 acres.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

- 1. A subdivision plat, in substantial compliance with the preliminary development plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1 of the *Land Use Code*.
- 2. Installation of curbs and sidewalks along all abutting street frontages.
- 3. Dedication of necessary roadway right-of-way, along the abutting street frontages, to accommodate the required street improvements. Said dedications shall include appropriately sized spandrels at all street corners.
- 4. A drainage report shall be submitted and approved, addressing retention/detention calculations/requirements that comply with the Standards Manual for Drainage Design and Floodplain Management in the City of Tucson. Five (5) year threshold retention shall be provided on-site.
- 5. Provide on-site drainage facilities sufficient to relieve the adverse impact of the existing stormwater flow in Dos Hombres Road at no expense to the public.
- 6. Provide on-site drainage facilities to receive and safely convey the off-site flows entering at the southwest corner of the site.
- 7. Install a pipe bollard filled with concrete in the bottom of the detention/retention basin to identify its designed invert elevation to assist in determining if the basin has filled up with excess sediment.
- 8. Depress all landscaped areas six (6) inches to maximize water harvesting.

9. No structure, off-street parking, vehicular circulation or maneuvering space, landscaping or screening improvements, required by the *Land Use Code*, may be constructed, erected, placed or extended into the future right-of-way unless specifically allowed.
10. Lots 1, 2, 3, 4, 7, and 9 shall be one-story.
11. One- and two-story residences are limited to a maximum of sixteen (16) feet and twenty-two (22) feet in height, respectively.
- 12.A masonry wall at least five (5) feet in height, shall be constructed along the east, west, and north property boundaries, except at the point of ingress/egress, prior to the occupancy of any residence. The perimeter wall on the west and north boundaries of the property shall be installed prior to issuance of building permits for individual units.
9. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the public right-of-way or private streets shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. In addition, any continuous wall greater than seventy-five (75) feet in length and three (3) feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
10. All residences and perimeter walls shall be earth tones.
11. Provide elevations for models in excess of twenty (20) feet in height showing a variety of rooflines.
12. If archaeological features are found during project construction, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
13. The U. S. Fish and Wildlife Service guidelines regarding the Cactus Ferruginous Pygmy Owl shall be followed.
14. The Arizona Game and Fish Department guidelines regarding raptors, bats, gila monsters, and special status plants and animals shall be followed.
15. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
17. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Five written approvals and 14 written protests have been received. Five of the protests are within the 150-foot area, representing a 13.4 percent protest by area to the east and an 11.1 percent protest by area to the west.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**9. ZONING: (C9-02-08) PRIME SCHOOL – BROADWAY BOULEVARD, R-3 TO C-1**

- (a) Report from City Manager JUNE10-02-316 WVI
- (b) Zoning Examiner's Report dated May 24, 2002
- (c) Request to rezone approximately .95 acres from R-3\* (High density residential, \*= office and financial service uses permitted by Superior Court Judgement No. 71844) to C-1 (Low-intensity commercial). Applicant: Frank Felix of the Prime School on behalf of the property owners Verde Investments, Inc.

The rezoning site is located on the south side of Broadway Boulevard, between Randolph Way and Calle Chaparita. The preliminary development plan proposes a private, non-profit instructional music school.

The Zoning Examiner recommends approval of C-1 zoning. The City Manager recommends approval of C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *LUC*.
2. Dedication, or verification of the existence of right-of-way, as shown on the *Major Streets and Routes Plan*, along the Broadway Boulevard frontage of the site.
3. Installation of six (6) foot wide public sidewalks along the Broadway Boulevard frontage of the site.
4. Non-residential uses are limited to office, financial institutions, and educational uses.

5. All activities are to occur within an enclosed structure.
6. Prior to the issuance of a Certificate of Occupancy, landscaping along the southern boundary is to be augmented with canopy trees, located every twenty-five (25) feet with shrubs and groundcover as specified in the landscaping ordinance.
7. Primary access shall be from Broadway Boulevard.
8. Any new structure or exterior renovations to the existing building shall require all building elevations to be of compatible architectural design and character as the front façade.
9. The use of a color scheme compatible with adjacent residential and non-residential uses.
10. Any walls constructed along the south and west property lines shall have weep holes large enough to allow the existing flows to exit unaltered and not be concentrated on the site. Discharges cannot be released onto private property.
11. Any flows entering the development from Broadway Boulevard shall continue to be accepted or water harvesting methods should be used to mitigate any adverse impacts.
12. Any required or proposed masonry screen walls shall be constructed of, or painted with graffiti-resistant material. All screen walls shall incorporate one or more of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured block/brick, (e) a smooth-sand stucco finish, painted to match the existing building, or (f) a combination of the above-mentioned materials.
13. All public performances advertised by the PRIME School and open to the public shall be held off-site.
14. Outdoor lighting shall be shielded from adjacent residential uses.
15. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the City.

16. If archaeological features are found during project construction, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
17. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
18. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
19. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Zero written approvals and zero written protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**10. ZONING: ESTABLISHING ORIGINAL CITY ZONING FOR THE HUGHES ACCESS ROAD/STATE LAND ANNEXATION DISTRICT (C15-02-02) (CONTINUED FROM THE MEETING OF MAY 13, 2002)**

- (a) Report from City Manager JUNE10-02-317 WV
- (b) Ordinance No. 9692 relating to zoning; establishing original city zoning for approximately 1,688 acres generally located south of Hughes Access Road and east and west of Country Club Road, which was annexed to the City of Tucson by Ordinance No. 9646, adopted on January 7, 2002; and specifying an effective date.

**11. PUBLIC HEARING: ZONING (C9-97-08), HOUGHTON-IRVINGTON LP – IRVINGTON ROAD, SR TO MH-1, REQUEST FOR FIVE-YEAR TIME EXTENSION AND ORDINANCE ADOPTION FOR COMPLETION OF MH-1 PORTION OF CONDITIONS OF REZONING**

- (a) Report from City Manager JUNE10-02-337 WIV
- (b) Hearing.

- (c) Request for a five-year time extension for the completion of the MH-1 portion of the conditions of rezoning. Applicant: William Vahl of SJV and Associates, LLC on behalf of the property owners Houghton-Irvington LP and Dick Kitchum.

The rezoning site is located northwest of the northwest corner of Irvington and Houghton Roads. The preliminary development plan for the MH-1 portion proposes 69 manufactured housing units on 15 acres. The original five-year authorization expires on June 16, 2002.

The City Manager recommends approval of the requested five-year time extension from June 16, 2002, to June 16, 2007 and adoption of the ordinance presented.

- (d) Ordinance No. 9718 relating to zoning: amending zoning district boundaries in the area located at the Northwest Corner of Houghton Road and Irvington Road in Case C9-97-08, Houghton/Irvington LP – Irvington Road, SR to MH-1; and declaring an emergency.

Two written approvals and zero written protests have been received for this case. Both of the approvals are within the 150 foot notification area.

A simple majority vote will be necessary to adopt the ordinance.

**12. PUBLIC HEARING: ZONING (C9-97-08) HOUGHTON-IRVINGTON LP – IRVINGTON ROAD, SR TO C-1; REQUEST FOR FIVE-YEAR TIME EXTENSION OF C-1 PORTION OF CONDITIONS OF REZONING**

- (a) Report from City Manager JUNE10-02-333 WIV

- (b) Hearing.

- (c) Request for a five-year time extension for the completion of the C-1 portions of the conditions of rezoning. Applicant: William Vahl of SJV and Associates, LLC on behalf of the property owners Houghton-Irvington LP and Dick Kitchum.

The rezoning site is located at the northwest corner of Irvington and Houghton Roads. The preliminary development plan of the C-1 portion proposes 11,000 square feet of commercial uses on 2.06 acres. The original five-year authorization expires on June 16, 2002.

The City Manager recommends approval of the requested five-year time extension from June 16, 2002, to June 16, 2007, subject to the original conditions of rezoning.

Two written approvals and zero written protests have been received for this case. Both of the approvals are within the 150 foot notification area.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.



**13. PUBLIC HEARING: TUCSON CODE (AMENDING CHAPTER 15) TO UPDATE AND MODERNIZE CHAPTER 15 REGARDING REFUSE; ESTABLISHING NEW RATES AND FEES FOR REFUSE COLLECTIONS AND LANDFILL SERVICES; AND ADOPTING RULES, PROCEDURES, AND REGULATIONS FOR THE TUCSON RECYCLES PROGRAM**

- (a) Report from City Manager JUNE10-02-334 CITY-WIDE
- (b) Hearing.
- (c) Ordinance No. 9717 relating to refuse and solid waste management; effective July 11, 2002, repealing Chapter 15 of the Tucson Code and adding a new Chapter 15 to the Tucson Code, to regulate refuse and solid waste; and declaring an emergency.
- (d) Resolution No. 19232 relating to solid waste management; approving the Director of Solid Waste Management's proposed "Tucson Recycles" rules, procedures and regulations, to take effect July 11, 2002; and declaring an emergency.
- (e) Resolution No. 19233 relating to solid waste management and finance; approving the Director of Solid Waste Management's proposed charges and fees for the City's collection, recycling, and disposal of refuse, and ancillary services, to take effect July 11, 2002; and declaring an emergency.

The City Manager recommends approval of the proposed ordinance and resolutions.

**14. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager JUNE10-02-315 CITY-WIDE

This item has been scheduled should the governing body wish to consider the following items as well as any personal appointments to boards, commissions and committees.

**15. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**16. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, June 17, 2002, at 2:00 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.